

107TH CONGRESS
2D SESSION

S. 3162

To amend title 49, United States Code, to enhance the security of transporting high-level nuclear waste and spent nuclear fuel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2002

Mr. DURBIN (for himself, Mr. NELSON of Florida, Mr. CLELAND, and Mr. EDWARDS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to enhance the security of transporting high-level nuclear waste and spent nuclear fuel, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nuclear Waste Trans-
5 portation Security Act of 2002”.

1 **SEC. 2. COMPREHENSIVE TRANSPORTATION SAFETY PRO-**
2 **GRAM FOR TRANSPORTATION OF HIGH-**
3 **LEVEL RADIOACTIVE WASTE AND SPENT NU-**
4 **CLEAR FUEL.**

5 (a) IN GENERAL.—Section 5105 of title 49, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(f) TRANSPORTATION SAFETY PROGRAM.—(1) The
9 Secretary of Transportation shall develop and implement
10 a comprehensive program of transportation safety for the
11 transportation of high-level radioactive waste and spent
12 nuclear fuel.

13 “(2) The Secretary of Transportation shall develop
14 and implement the program in consultation with the fol-
15 lowing:

16 “(A) The Secretary of Energy.

17 “(B) The Secretary of Health and Human
18 Services.

19 “(C) The Secretary of Labor.

20 “(D) The Director of Homeland Security.

21 “(E) The Administrator of the Environmental
22 Protection Agency.

23 “(F) The Nuclear Regulatory Commission.

24 “(G) The Director of the Federal Emergency
25 Management Agency.

1 “(H) The heads of such other departments and
2 agencies of the Federal Government as the Secretary
3 of Transportation considers appropriate.

4 “(3)(A) In developing and implementing the pro-
5 gram, the Secretary of Transportation shall take into con-
6 sideration terrorist threats to, and other potential emer-
7 gencies associated with, the transportation of high-level
8 radioactive waste and spent nuclear fuel.

9 “(B) In developing and implementing the program,
10 the Secretary shall solicit comments on the program from
11 the public and stakeholder groups, including employee or-
12 ganizations, and from such technical and other experts as
13 the Secretary considers appropriate. The Secretary may
14 establish an advisory committee for purposes of this sub-
15 paragraph.”.

16 (b) REPORT ON PROGRAM.—Not later than one year
17 after the date of the enactment of this Act, the Secretary
18 of Transportation shall submit to Congress a report on
19 development and implementation of the program required
20 by subsection (f) of section 5105 of title 49, United States
21 Code, as added by subsection (a) of this section.

1 **SEC. 3. GRANTS TO STATE AND LOCAL GOVERNMENTS AND**
 2 **TRIBAL GOVERNMENTS TO ENHANCE SECU-**
 3 **RITY OF TRANSPORTING HIGH-LEVEL RADIO-**
 4 **ACTIVE WASTE AND SPENT NUCLEAR FUEL.**

5 (a) IN GENERAL.—Chapter 51 of title 49, United
 6 States Code, is amended by inserting after section 5105
 7 the following new section:

8 **“§ 5105a. Grants to State and local governments and**
 9 **tribal governments to enhance security of**
 10 **transporting certain highly radioactive**
 11 **material**

12 “(a) AUTHORITY TO MAKE GRANTS.—The Secretary
 13 of Transportation may make grants to State and local gov-
 14 ernments and tribal governments for purposes of activities
 15 of such governments to enhance the security of trans-
 16 porting nuclear waste, including the routine transpor-
 17 tation of nuclear waste and the response to emergencies
 18 involving the transportation of nuclear waste.

19 “(b) ACTIVITIES.—Activities funded by grants under
 20 subsection (a) may include the following:

21 “(1) Infrastructure improvements.

22 “(2) Training, drills, and similar activities for
 23 first responders and other safety and public health
 24 officials.

1 “(3) Any other activities that the Secretary
2 considers appropriate in order to enhance the secu-
3 rity of transporting nuclear waste.

4 “(c) PRIORITY IN GRANTS.—In making grants under
5 subsection (a), the Secretary shall give a priority to activi-
6 ties regarding routes that are or will be used frequently
7 for the transportation of nuclear waste.

8 “(d) ADMINISTRATION.—(1) The Secretary shall es-
9 tablish such requirements for purposes of the administra-
10 tion of grants under subsection (a), including application
11 requirements, as the Secretary considers appropriate.

12 “(2) The Secretary shall carry out this section in con-
13 sultation with the Secretary of Energy and the Federal
14 Radiological Preparedness Coordinating Committee of the
15 Federal Emergency Management Agency.

16 “(e) NUCLEAR WASTE DEFINED.—In this section,
17 the term ‘nuclear waste’ means high-level radioactive
18 waste and spent nuclear fuel (as those terms are defined
19 in section 2 of the Nuclear Waste Policy Act of 1982 (42
20 U.S.C. 10101)).

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
22 is hereby authorized to be appropriated to the Secretary
23 to carry out this section amounts as follows:

24 “(1) \$3,000,000 for fiscal year 2003.

1 “(2) Such sums as may be necessary for each
2 of fiscal years 2004 through 2012.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 51 of that title is amended
5 by inserting after the item relating to section 5105 the
6 following new item:

“5105a. Grants to State and local governments and tribal governments to en-
hance security of transporting certain highly radioactive mate-
rial.”.

7 **SEC. 4. ADDITIONAL REQUIREMENTS AND LIMITATIONS**
8 **REGARDING TRANSPORTATION OF HIGH-**
9 **LEVEL RADIOACTIVE WASTE AND SPENT NU-**
10 **CLEAR FUEL.**

11 (a) IN GENERAL.—Chapter 51 of title 49, United
12 States Code, as amended by section 3 of this Act, is fur-
13 ther amended by inserting after section 5105a the fol-
14 lowing new section:

15 **“§ 5105b. Requirements and limitations regarding**
16 **transportation of certain highly radio-**
17 **active material**

18 “(a) PARTICIPATION OF STATES.—(1) In estab-
19 lishing routes for the transportation of nuclear waste
20 through a State, the Secretary of Transportation and the
21 Secretary of Energy shall jointly consult with the chief ex-
22 ecutive officer of the State regarding preferred or alter-
23 native routes.

1 “(2) Nuclear waste may not be transported through
2 a State by any means until 7 days after the date on which
3 the Secretary of Transportation submits to the chief execu-
4 tive officer of the State (or a State official designated
5 by the chief executive officer) notice of the transportation
6 of the nuclear waste through the State. Notice under this
7 paragraph shall be in both written and oral form.

8 “(b) PARTICULAR SHIPMENTS.—(1)(A) Each ship-
9 ment by the Secretary of Energy under the Nuclear Waste
10 Policy Act of 1982 (42 U.S.C. 10101 et seq.) of nuclear
11 waste by railroad shall be made by a train dedicated solely
12 for that purpose.

13 “(B) The Secretary of Transportation and the Direc-
14 tor of Homeland Security may waive the requirement in
15 subparagraph (A) for a particular shipment of nuclear
16 waste if such officials jointly certify that the national secu-
17 rity or homeland security of the United States requires
18 the waiver for that shipment.

19 “(2)(A) Each shipment by the Secretary of Energy
20 under the Nuclear Waste Policy Act of 1982 of nuclear
21 waste by a commercial motor vehicle, or by railroad, shall
22 be accompanied by trained escorts who are licensed to pro-
23 tect shipments of nuclear waste by commercial motor vehi-
24 cle or railroad, as the case may be.

1 “(B) Each escort under this paragraph shall meet all
2 requirements applicable to hazmat employees under this
3 chapter.

4 “(C) The Secretary of Transportation shall prescribe
5 in regulations the minimum number of escorts required
6 under this paragraph for shipments of nuclear waste by
7 commercial motor vehicle or railroad. The number of es-
8 corts shall be sufficient to protect the convoy involved at
9 both the front and rear ends.

10 “(3) Each commercial motor vehicle or train involved
11 in the transportation of nuclear waste by the Secretary
12 of Energy under the Nuclear Waste Policy Act of 1982
13 shall be equipped with a communications system providing
14 access to first responders along the entirety of the route
15 of the shipment of such nuclear waste. Each such commu-
16 nication system shall have such capabilities and meet such
17 requirements as the Secretary of Transportation shall re-
18 quire in regulations.

19 “(4) In addition to the requirement in paragraph (3),
20 each train involved in the transportation of nuclear waste
21 by the Secretary of Energy under the Nuclear Waste Pol-
22 icy Act of 1982 shall be equipped with the best available
23 technology, as determined by the Secretary of Transpor-
24 tation, including appropriate health monitoring systems.

1 “(c) PROHIBITION ON TRANSPORTATION BY WATER-
 2 BORNE VESSEL.—(1) Nuclear waste may not be trans-
 3 ported by waterborne vessel in the inland waters of the
 4 United States or the Great Lakes.

5 “(2) The Secretary of Transportation and the Direc-
 6 tor of Homeland Security may waive the prohibition in
 7 paragraph (1) for a particular shipment of nuclear waste
 8 if such officials jointly certify that the national security
 9 or the homeland security of the United States requires the
 10 waiver for the shipment.

11 “(d) NUCLEAR WASTE DEFINED.—In this section,
 12 the term ‘nuclear waste’ means high-level radioactive
 13 waste and spent nuclear fuel (as those terms are defined
 14 in section 2 of the Nuclear Waste Policy Act of 1982 (42
 15 U.S.C. 10101)).”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of chapter 51 of that title, as amended
 18 by section 3(b) of this Act, is further amended by inserting
 19 after the item relating to section 5105a the following new
 20 item:

“5105b. Requirements and limitations regarding transportation of certain highly
 radioactive material.”.

21 **SEC. 5. MODIFICATION OF REQUIREMENTS AND AUTHORI-**
 22 **TIES RELATING TO HAZMAT EMPLOYEES.**

23 (a) DEFINITION OF HAZMAT EMPLOYEE.—Section
 24 5102(3) of title 49, United States Code, is amended—

1 (1) in subparagraph (A)(ii), by striking “as the
2 Secretary decides by regulation”; and

3 (2) in subparagraph (C)—

4 (A) by redesignating clauses (iii), (iv), and
5 (v), as clauses (iv), (v), and (vi), respectively;
6 and

7 (B) by inserting after clause (ii) the fol-
8 lowing new clause (iii):

9 “(iii) inspects, constructs, maintains,
10 or repairs railroad tracks or railroad signal
11 systems, or structures related thereto, re-
12 lating to the transportation of hazardous
13 material;”.

14 (b) RENEWAL OF CERTIFICATION OF TRAINING TO
15 HANDLE HIGH-LEVEL RADIOACTIVE WASTE AND SPENT
16 NUCLEAR FUEL.—Section 5107(c) of that title is amend-
17 ed—

18 (1) by redesignating paragraphs (1) through
19 (9) as subparagraphs (A) through (I), respectively;

20 (2) by inserting “(1)” before “After com-
21 pleting”; and

22 (3) by adding at the end the following new
23 paragraph:

24 “(2)(A) In the case of a hazmat employee who han-
25 dles nuclear materials, a certification on the training and

1 testing of the hazmat employee under paragraph (1) shall
2 be valid for not more than three years.

3 “(B) At the end of the period of validity of a certifi-
4 cation for a hazmat employee under this paragraph, the
5 hazmat employer shall certify to the Secretary, with docu-
6 mentation the Secretary shall require by regulation, that
7 the hazmat employee continues to meet the requirements
8 under subsection (a) for hazmat employees who handle nu-
9 clear materials as of the date of the renewed certification
10 of the hazmat employee under this subparagraph.

11 “(C) Each hazmat employer of hazmat employees
12 who handle nuclear materials shall submit to the Sec-
13 retary, upon such schedule as the Secretary shall require
14 by regulation and at other times upon the request of the
15 Secretary, a copy of the training program for such employ-
16 ees for the handling of nuclear materials. The Secretary
17 shall review each training program submitted under this
18 subparagraph, and may require modifications of such
19 training program as a result of such review.

20 “(D) In this paragraph, the term ‘nuclear materials’
21 means high-level radioactive waste and spent nuclear fuel
22 (as those terms are defined in section 2 of the Nuclear
23 Waste Policy Act of 1982 (42 U.S.C. 10101)).”.

1 **SEC. 6. TRAINING GRANTS FOR HAZMAT EMPLOYEES AND**
2 **INSTRUCTORS.**

3 (a) IN GENERAL.—Section 5107(e) of title 49,
4 United States Code, is amended—

5 (1) by striking “section 5127(c)(3)” and insert-
6 ing “section 5127(b)”; and

7 (2) by striking “instructors to train hazmat em-
8 ployees” and inserting “instructors of hazmat em-
9 ployees, and hazmat employees,”.

10 (b) FUNDING.—Subsection (b)(1) of section 5127 of
11 that title is amended to read as follows:

12 “(b) TRAINING OF HAZMAT EMPLOYEE INSTRU-
13 TORS AND HAZMAT EMPLOYEES.—(1) There is authorized
14 to be appropriated to the Secretary to carry out section
15 5107(e) amounts as follows:

16 “(A) \$3,000,000 for fiscal year 2003.

17 “(B) Such sums as may be necessary for each
18 of fiscal years 2004 through 2012.”.

19 **SEC. 7. ENHANCED CIVIL PENALTIES FOR VIOLATIONS IN**
20 **THE TRANSPORTATION OF HIGH-LEVEL RA-**
21 **DIOACTIVE WASTE AND SPENT NUCLEAR**
22 **FUEL.**

23 Section 5123(a) of title 49, United States Code, is
24 amended—

1 (1) in paragraph (1), by striking “A person”
2 and inserting “Except as provided in paragraph (2),
3 a person”;

4 (2) by redesignating paragraph (2) as para-
5 graph (4);

6 (3) by designating the second sentence of para-
7 graph (1) as paragraph (3) and indenting the left
8 margin of that paragraph, as so designated, two
9 ems;

10 (4) by inserting after paragraph (1) the fol-
11 lowing new paragraph (2):

12 “(2)(A) A person that knowingly violates a provision
13 of this chapter regarding high-level radioactive waste or
14 spent nuclear fuel, or a regulation, order, special permit,
15 or approval issued under this chapter regarding high-level
16 radioactive waste or spent nuclear fuel, is liable to the
17 United States Government for a civil penalty of at least
18 \$1,000 but not more than \$100,000 for each violation.

19 “(B) In this paragraph, the terms ‘high-level radio-
20 active waste’ and ‘spent nuclear fuel’ have the meaning
21 given those terms in section 2 of the Nuclear Waste Policy
22 Act of 1982 (42 U.S.C. 10101)).”; and

23 (5) in paragraph (4), as so redesignated, by in-
24 serting “(including high-level radioactive waste and
25 spent nuclear fuel)” after “hazardous material”.

1 **SEC. 8. OUTREACH REGARDING PUBLIC RESPONSE TO AC-**
2 **CIDENTS, ATTACKS, OR OTHER EMER-**
3 **GENCIES INVOLVING HIGH-LEVEL NUCLEAR**
4 **WASTE AND SPENT NUCLEAR FUEL.**

5 The Director of the Federal Emergency Management
6 Agency shall, in coordination with the Federal Radio-
7 logical Preparedness Coordinating Committee, carry out
8 a program of outreach to the public designed to inform
9 the public about appropriate means of responding to an
10 accident, attack, or other emergency involving high-level
11 radioactive waste and spent nuclear fuel. The purpose of
12 the outreach is to protect the public health and safety.

13 **SEC. 9. STUDY REGARDING EFFECTS ON PUBLIC HEALTH**
14 **OF TRANSPORTATION OF NUCLEAR WASTE**
15 **AND ACCIDENTS INVOLVING TRANSPOR-**
16 **TATION OF HIGH-LEVEL RADIOACTIVE**
17 **WASTE AND SPENT NUCLEAR FUEL.**

18 (a) STUDY REQUIRED.—The Administrator of the
19 Environmental Protection Agency and the Centers for
20 Disease Control and Prevention shall jointly carry out a
21 study regarding the effects on public health of the fol-
22 lowing:

23 (1) The routine transportation of high-level ra-
24 dioactive waste and spent nuclear fuel.

25 (2) Accidents involving the transportation of
26 high-level radioactive waste and spent nuclear fuel.

1 (b) REPORT.—Not later than 12 months after the
2 date of the enactment of this Act, the Administrator and
3 the Centers for Disease Control and Prevention shall joint-
4 ly submit to Congress a report on the study carried out
5 under subsection (a). The report shall include—

6 (1) the results of the study; and

7 (2) such recommendations for improvements to
8 the public health infrastructure, and for measures to
9 address requirements for training and equipment for
10 public health officials and for public education, as
11 the Administrator and the Centers for Disease Con-
12 trol and Prevention consider appropriate in light of
13 the study.

14 **SEC. 10. MODIFICATION OF REQUIREMENTS ON PACKAGES**
15 **FOR TRANSPORTATION OF HIGH-LEVEL RA-**
16 **DIOACTIVE WASTE AND SPENT NUCLEAR**
17 **FUEL.**

18 (a) TEST OF PACKAGES BEFORE COMMENCEMENT
19 OF TRANSPORTATION.—(1) Before the commencement by
20 the Secretary of Energy of the transportation of high-level
21 radioactive waste or spent nuclear fuel under the Nuclear
22 Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), the
23 Nuclear Regulatory Commission shall carry out a com-
24 prehensive program of testing of the physical integrity and
25 suitability of the types of packages to be used for the

1 transportation of high-level radioactive waste or spent nu-
2 clear fuel, including tests to ensure that the packages meet
3 all the requirements of section 180(b) of the Nuclear
4 Waste Policy Act of 1982, as amended by subsection (d)
5 of this section.

6 (2) The Nuclear Regulatory Commission shall carry
7 out the program in consultation with the Secretary of
8 Transportation and the Director of Homeland Security.

9 (3) In addition to determining the physical integrity
10 and suitability of the packages to be used for the transpor-
11 tation of high-level radioactive waste or spent nuclear fuel,
12 testing under the program shall also verify the accuracy
13 of computer modeling systems used in such testing.

14 (b) STUDY OF ENHANCEMENT OF PACKAGES
15 AGAINST TERRORIST THREATS.—(1) The Nuclear Regu-
16 latory Commission, the Secretary of Transportation, and
17 the Director of Homeland Security shall jointly carry out
18 a study to identify—

19 (A) potential terrorist threats to packages for
20 the transportation of high-level radioactive waste
21 and spent nuclear fuel; and

22 (B) the means by which such packages may be
23 enhanced in order to address such threats.

24 (2) Each means of enhancing packages for the trans-
25 portation of high-level radioactive waste or spent nuclear

1 fuel that is identified under paragraph (1)(B) shall be in-
 2 cluded in the certification requirements for such packages
 3 under subsection (b)(1)(F) of the Nuclear Waste Policy
 4 Act of 1982, as amended by subsection (d) of this section.

5 (c) CERTIFICATION OF PACKAGES.—Subsection (a)
 6 of section 180 of the Nuclear Waste Policy Act of 1982
 7 (42 U.S.C. 10175) is amended by striking “certified for
 8 such purposes by the Commission” and inserting “jointly
 9 certified for such purposes by the Commission and the
 10 Secretary of Transportation”.

11 (d) SPECIFIC REQUIREMENTS FOR PACKAGES.—Sec-
 12 tion 180 of that Act is further amended—

13 (1) by redesignating subsections (b) and (c) as
 14 subsections (c) and (d), respectively; and

15 (2) by inserting after subsection (a) the fol-
 16 lowing new subsection (b):

17 “(b) A package may not be certified under subsection
 18 (a) unless the package—

19 “(1) can withstand—

20 “(A) a head-on collision at any speed at
 21 which the package will be transported;

22 “(B) attempted puncturing by armor-pierce-
 23 ing ammunition;

1 “(C) a fall of the maximum distance which
2 the package could fall along the routes on
3 which the package will likely be transported;

4 “(D) submersion in water to the maximum
5 depth which the package could be submerged
6 along the routes on which the package will like-
7 ly be transported for at least 24 hours;

8 “(E) continuous exposure to the maximum
9 temperatures to which the package is likely to
10 be subjected during transportation in an event
11 involving fire; and

12 “(F) such terrorist or other threats as may
13 be identified as a result of the study under
14 paragraph (1)(A) of section 10(b) of the Nu-
15 clear Waste Transportation Security Act of
16 2002 in the manner identified under paragraph
17 (1)(B) of that section; and

18 “(2) can meet such other requirements as may
19 be identified under section 10(e)(1)(B) of the Nu-
20 clear Waste Transportation Security Act of 2002.”.

21 (e) ONGOING EVALUATION OF PACKAGE REQUIRE-
22 MENTS.—(1) The Nuclear Regulatory Commission, the
23 Secretary of Energy, the Secretary of Transportation, and
24 the Director of Homeland Security shall jointly—

1 (A) carry out, on an on-going basis, an evalua-
2 tion of the requirements for packages to be used in
3 the transportation of high-level radioactive waste or
4 spent nuclear fuel under the Nuclear Waste Policy
5 Act of 1982 in order to determine whether or not
6 such requirements should be modified in light of ad-
7 vances in science or lessons learned from prior expe-
8 riences or testing; and

9 (B) identify additional requirements, if any, to
10 be applied to packages to be used in the transpor-
11 tation of high-level radioactive waste or spent nu-
12 clear fuel under section 180(b)(2) of the Nuclear
13 Waste Policy Act of 1982, as amended by subsection
14 (d) of this section.

15 (2) Not later than two years after the date of the
16 enactment of this Act, and every two years thereafter, the
17 Nuclear Regulatory Commission shall submit to Congress
18 a report on activities undertaken under this subsection
19 during the two-year period ending on the date of such re-
20 port, including any modifications or requirements rec-
21 ommended or imposed during that period as a result of
22 such activities.

23 (f) PACKAGE DEFINED.—In this section, the term
24 “package” has the meaning given that term in section

1 2(10) of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
2 10101(10)).

3 **SEC. 11. MODIFICATION OF AUTHORITIES RELATING TO**
4 **NUCLEAR WASTE TECHNICAL REVIEW**
5 **BOARD.**

6 (a) EXCLUSION OF CERTAIN ADDITIONAL FEDERAL
7 PERSONNEL FROM MEMBERSHIP.—(1) Section
8 502(b)(3)(C)(iii) of the Nuclear Waste Policy Act of 1982
9 (42 U.S.C. 10262(b)(3)(C)(iii)) is amended—

10 (A) in subclause (II), by striking “or” at the
11 end;

12 (B) in subclause (III), by striking the period at
13 the end and inserting a semicolon; and

14 (C) by adding at the end the following new sub-
15 clauses:

16 “(IV) the Department of Transportation, or a
17 contractor of the Department of Transportation; or

18 “(V) the Nuclear Regulatory Commission, or a
19 contractor of the Nuclear Regulatory Commission.”.

20 (2) The amendments made by paragraph (1) shall
21 apply with respect to nominations to the Nuclear Waste
22 Technical Review Board that occur on or after the date
23 of the enactment of this Act.

24 (b) FUNCTIONS.—Section 503 of that Act (42 U.S.C.
25 10263) is amended—

1 (1) by inserting “(a) EVALUATION OF SEC-
2 RETARY OF ENERGY ACTIVITIES.—” before “The
3 Board”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(b) EVALUATION OF ACTIVITIES OF OTHER OFFI-
7 CIALS.—The Board shall evaluate the technical and sci-
8 entific validity of any activities undertaken by the Sec-
9 retary of Transportation or the Nuclear Regulatory Com-
10 mission with respect to the transportation of high-level ra-
11 dioactive waste or spent nuclear fuel under this Act.”.

12 (c) EXPANSION OF INVESTIGATORY POWERS.—Sec-
13 tion 504(b)(1) of that Act (42 U.S.C. 10264(b)(1)) is
14 amended by striking “Secretary (or any contractor of the
15 Secretary)” and inserting “Secretary of Energy (or any
16 contractor of the Secretary), the Secretary of Transpor-
17 tation (or any contractor of the Secretary), or the Nuclear
18 Regulatory Commission (or any contractor of the Commis-
19 sion)”.

20 (d) EXTENSION OF TERMINATION DATE.—Section
21 510 of that Act (42 U.S.C. 10270) is amended by striking
22 “not later than 1 year” and inserting “10 years”.

1 **SEC. 12. DISCHARGE OF FUNCTIONS OF DIRECTOR OF**
2 **HOMELAND SECURITY UPON ESTABLISH-**
3 **MENT OF DEPARTMENT OF HOMELAND SECU-**
4 **RITY.**

5 Upon the establishment of the Department of Home-
6 land Security, any function under this Act, or an amend-
7 ment made by this Act, that is discharged by the Director
8 of Homeland Security shall be discharged instead by the
9 Secretary of Homeland Security.

10 **SEC. 13. DEFINITIONS.**

11 In this Act, the terms “high-level radioactive waste”
12 and “spent nuclear fuel” have the meanings given those
13 terms in section 2 of the Nuclear Waste Policy Act of
14 1982 (42 U.S.C. 10101)).

○